

Ser. No. 10/699,262  
Examiner Gregory E. Webb  
Art Unit 1751

### REMARKS

The Final Office Action mailed on October 12, 2006, has been reviewed and the Examiner's comments have been carefully considered. Applicants hereby file a Request for Continued Examination (RCE).

In the Office Action dated October 12, 2007, claims 1-40 stand rejected under 35 USC §102(b) as being anticipated by cited reference, Flynn et al. US Patent No. 5,827,812. Claims 1-40 also stand rejected under 35 USC 103(a) as being unpatentable under Flynn et al. (US 5,827,812) and further in view of Henderson (US 2,940,287) and further in view of Williams (US 3,234,660).

Applicants hereby amend claims 1, 17, 26, 28, 32, 36, 37, and 39. Amendments in response to the rejections are addressed below. Claims 1-40 remain in the case.

Applicants previously filed an Affidavit under 37 C.F.R. §1.131 to swear behind US Patent No. 5,962,390 to Flynn et al., and claiming priority to Provisional Application 60/045,072.

As explained in detail (as noted under the "Background" heading of Response to the previous Office Action filed on April 27, 2007) Applicants were the first to conceive of a method for cleaning a load of fabrics in a washing machine which could be achieved using a substantially inert working fluid (IWF) that is not damaging to the fibers. Inert action relies significantly on mechanical cleaning and thermal action and less on chemical cleaning. Applicants have found, surprisingly, that fabrics could be well cleaned by a method in which a working fluid, or the bulk fluid is a substantially inert working fluid provided it is used in conjunction with an adjuvant. Applicants' method claims recite a class of inert working fluids, among other elements of the method, these inert working fluids are defined or readily discernable by one of ordinary skill in the art based on the disclosure set out by Applicants in Provisional Application 60/045,072. Under long-established developments of patent law Applicants are entitled to claims to a novel method of laundering whether the compounds are old or new so long as such method of use is novel. Applicants have discovered a novel method of laundering of fabrics in an automatic washing machine using a newly defined framework of material selection and where such methods did not previously exist nor were they obvious by those in the industry.

Ser. No. 10/699,262  
Examiner Gregory E. Webb  
Art Unit 1751

**I. Rejections of Claims 1-40 under 35 U.S.C. §102(b) as being anticipated by Flynn et al. (US 5,962,390)**

Applicants previously submitted an Affidavit under 37 C.F.R. §1.131 in which inventors, Tremitchell Wright and Mark Kovich swear behind the reference of Flynn et al. U.S. Patent No. 5,962,390 to remove it from consideration. The Affidavit and supporting documents show that the Applicants had conceived of and diligently reduced to practice the method recited in the independent claims prior to the effective 102(e) date (filing date) of Flynn et al. (Ser. No. 08/649,361) filed on May 17, 1996.

The Examiner notes that Applicants have claimed priority to certain aspects of its Provisional Application 60/045,072. Independent claims 1, 28, 32 and dependent claims 17 and 37 are now amended to recite adjuvants recited in Provisional Application 60/045,072 (see page 5, lines 12-14 and page 11, lines 16-17).

Accordingly, Applicants respectfully request withdrawal of the rejections of claims 1-40 under 35 USC 102(b), and request allowance of claims 1-40.

**II. Rejections of Claims 1-40 under 35 U.S.C. §102(b) as being anticipated by Flynn et al. (US 5,827,812)**

Claims 1-40 stand rejected under 35 USC §102(b) as being anticipated by Flynn et al (US 5,827,812). The USPTO states that because the Flynn reference teaches azeotropes, the Flynn compositions would require at least two solvents in which the first solvent is considered the working fluid and the second solvent would be the adjuvant.

Applicants respectfully submit that amended claims 1, 17, 26, 28, 32, 36, 37, and 39 as well as the remaining dependent claims 2-16, 18-25, 27, 29-32, 38 and 40 are patentably distinct over Flynn et al. ('812). Flynn et al. requires an organic co-solvent for the formation of the liquid azeotropic-like composition. Flynn et al. does not disclose a co-solvent that is water and teaches that the presence of water is undesirable, and therefore, relies on the azeotropes produced by the organic solvents, for example, those listed in the several tables of the Flynn et al. reference.

Moreover, Flynn et al. ('812) discloses additives, for example, surfactants, coloring agents, stabilizers, anti-oxidants, etc. (see col. 7, lines 54-57) in addition to the azeotrope-like

Ser. No. 10/699,262  
Examiner Gregory E. Webb  
Art Unit 1751

composition and which are distinct from the azeotrope-like composition.

With respect to claims 2, 20, 29, 33 and 38, Flynn et al. ('812) does not specify with particularity the strictly defined properties of the working fluids which may be used for laundering fabrics. There is no suggestion by which a person of ordinary skill in the art would be motivated to stay within the property parameters defined by the claimed embodiments of Applicants' invention.

With respect to dependent claims 26 and 39, Flynn et al. do not disclose a method which further includes the step of applying ultraviolet radiation to the fabric.

With respect to dependent claims 19, 21, 22, 31, 35, and 40, Flynn et al. do not disclose the step of separating the working fluid through various types of filters to produce a permeate.

Applicants respectfully request withdrawal of the rejections of claims 1-40 under 35 USC 103(a) and respectfully request allowance of claims 1-40.

**III. Rejections of Claims 1-40 under 35 U.S.C. §103(a) as being obvious over Flynn et al. (US 5,827,812) in view Henderson (US 2,940,287) and further in view of Williams (US 3,234,660)**

The USPTO states, "Detecting fluid levels, sensing moisture, measuring conductivity, humidity are all well-known in the dry cleaning industry and would be inherent to the dry cleaning process" or at least obvious in view of Henderson. In addition, the USPTO maintains that it is well known in the dry cleaning industry to use filters and would be obvious in view of Henderson.

Applicants respectfully submit that Flynn et al. does not disclose the elements recited in claims 1-40 for the same reasons stated above. Furthermore, Flynn et al. provides no suggestion or motivation to apply the use of any disclosed fluids, as specifically arranged as claimed, in an automatic washing machine

Applicants respectfully request withdrawal of the rejections of claims 1-40 under 35 USC 103(a) and respectfully request the allowance of claims 1-40.

Ser. No. 10/699,262  
Examiner Gregory E. Webb  
Art Unit 1751

### CONCLUSION

In summary, Applicants believes that this Amendment is fully responsive to the Office Action mailed on October 12, 2007 and that Applicants' claims include features that patentably define over the cited references. It is respectfully requested that for the foregoing reasons claims 1-40 of this Application be found in condition for allowance. If the Examiner believes there are any further matters, which need to be discussed in order to expedite the prosecution of the present application, a telephone call from the Examiner is welcomed by the undersigned.

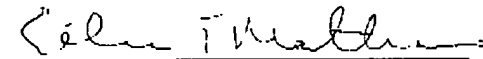
If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 02-2051, referencing our Docket No. US19984054-5.

Respectfully submitted,

BENESCH FRIEDLANDER COPLAN  
& ARONOFF LLP

January 14, 2008

Date



Eileen T. Mathews  
Reg. No. 41,973  
200 Public Square  
Suite 2300  
Cleveland, Ohio 44114-2378  
(216) 363-4500 (reception)  
(216) 4588 (facsimile)